

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed April 12, 2006. Claims 1-23 were pending in the Application. In the Office Action, Claims 1-23 were rejected. Claims 1-23 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

### **SECTION 102 REJECTIONS**

Claims 1-12 and 14-23 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,865,680 issued to Wu et al. (hereinafter "*Wu*"). Applicant respectfully traverses this rejection.

Applicant respectfully submits that Claims 1-12 and 14-23 of the present Application are patentable over *Wu*. However, Applicant has elected not to address the patentability of Claims 1-12 and 14-23 over *Wu* and instead submits that *Wu* does not qualify as prior art under Section 102(e) and, therefore, no *prima facie* rejection has been made. By making this choice, Applicant does not admit the accuracy of the Examiner's remarks or reasoning or acquiescing in any way to the reasoning underlying the rejection.

Applicant conceived and reduced to practice the invention which is the subject of the present Application prior to October 31, 2000, the purported effective date of *Wu*. In support thereof, Applicant submits the accompanying Declaration under 37 C.F.R. §1.131, the exhibit of which (the invention disclosure form attached thereto as Exhibit A) evidences the conception and reduction to practice of the invention prior to the purported effective date of *Wu*. For example, Exhibit A of the Declaration includes an explanation of the subject matter of the claims of the present application (e.g., at least page 3 (section A), page 5 (section B), and page 6 (section C)). Further, according to Exhibit A of the Declaration, the subject matter of the claims of the present application was reduced to practice prior to October 31, 2000. For example, Exhibit A of the

Declaration (specifically, on page 1 of Exhibit A) indicates that the subject matter of the present application was incorporated into the Hewlett-Packard product “Total-e-Mobile 1.0,” and that the Total-e-Mobile 1.0 product was shipped and/or made available to consumers on a date on or before October 31, 2000. Further, because the inventor of the subject matter of the present invention is unavailable as indicated in the accompanying Declaration, the accompanying Declaration is made pursuant to M.P.E.P. § 715.04 by a duly authorized agent having authority to make a declaration under 37 C.F.R. § 1.131.

Accordingly, Applicant respectfully requests that the rejection of Claims 1-12 and 14-23 be withdrawn.

#### **SECTION 103 REJECTIONS**

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Wu* in view of U.S. Patent Publication No. 2001/0027474 issued to Nachman et al. (hereinafter “*Nachman*”). Applicant respectfully traverses this rejection.

Claim 13 depends from independent Claim 8 which the Examiner rejected as being anticipated by *Wu*. At least because *Wu* fails to qualify as prior art against Claim 8, *Wu* also does not qualify as prior art against Claim 13 that depends therefrom. Accordingly, Applicant respectfully requests that the rejection of Claim 8 be withdrawn.

Further, *Nachman* does not appear to remedy the limitations of *Wu* apparently relied upon by the Examiner to reject Claim 13. Therefore, for at least this reason also, Applicant respectfully requests that the rejection of Claim 13 be withdrawn.

**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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